

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of the City of Freeport met on Monday, April 16th 2012 at 6:00 p.m., at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard for the purpose of considering the following agenda items:

City Council: Norma M. Garcia
Michelle Kent
Fred Bolton
Nicolosa Mireles
Sandra Barbree

Staff: Jeff Pynes, City Manager
Gilbert Arispe, Asst. City Manager
Wallace Shaw, City Attorney
Delia Munoz, City Secretary
Nat Hickey, Property Manager
Ty Morrow, Police Chief
Brian Davis, Fire Chief
Larry Fansher, Parks Director

Visitors: Dorothy Pirrung James Pirrung
Sam Reyna Steve Epperly

Invocation.

Mayor Norma Garcia opened the meeting at 6:00 p.m. and Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Norma Garcia led the Pledge of Allegiance.

Consideration of approving the April 2nd, 2012 Council Minutes.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved the April 2nd , 2012 Council Minutes.

Attending citizens and their business.

There were none

Consideration of approving Ordinance No. 2012-2305 amending Division (A) of Section 92.50 of the Code of Ordinance of said city to adopt the 2009 International Fire Code and the 2009 Fire Code appendix and amending Division (C) of Section 92.51 thereof to substitute the reference Section 92.50 for the reference section 92.51.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting "aye", Council unanimously approved Fire Chief Davis recommendation to approve Ordinance No. 2012-2305 amending Division (A) of Section 92.50 of the Code of Ordinance of said city to adopt the 2009 International Fire Code and the 2009 Fire Code appendix and amending Division (C) of Section 92.51 thereof to substitute the reference Section 92.50 for the reference section 92.51.

Consideration of approving Resolution No. 2012-2283 authorizing designated signators for its Texas Community Development Block Grant Program – Disaster Recovery Program Fund Contract 12-215-000-5515 Round 2.1

On a motion by Councilwoman Barbree, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved Resolution 2012-2283 authorizing designated signators for its Texas Community Block Grant Program – Disaster Recovery Program Fund Contract 12-215-000-5515 Round 2.1.

Consideration of approving Resolution No. 2012-2284 adopting Section 3 Local Opportunity Plan For Grant Programs.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved Resolution No. 2012-2284 adopting Section 3 Local Opportunity Plan for Grant Program.

Consideration of approving Resolution No. 2012-2285 establishing rules and regulations regarding the use of excessive force during nonviolent civil rights demonstrations, including physical barring entrance to a facility or location which is the subject of such demonstration, and providing penalties for violations thereof in the City of Freeport, County of Brazoria, State of Texas.

On a motion by Councilwoman Barbree, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved Resolution No. 2012-2285 establishing rules and regulations regarding the use of excessive force during nonviolent civil rights demonstrations, including physical barring entrance to a facility or location which is the subject of such demonstration, and providing penalties for violations thereof in the City of Freeport, County of Brazoria, State of Texas.

Consideration of approving Resolution No. 2012-2286 authorizing bidding for pipeline right-of-way and easement across certain property in Brazoria County, Texas.

Phyllis Saathoff Interim Port Director explained the gas line easement needed by America Rice, Inc., solely for the purpose of transporting natural gas.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting "aye", Council unanimously approved Resolution No. 2012-2286 authorizing bidding for pipeline right-of-way and easement across certain property in Brazoria County, Texas.

Consideration of approving the bids for the purchase of 0.764 acres of land, more or less, out of the Stephen F. Austin Survey, Abstract 32 and Stephen F. Austin Survey, Abstract 33, both in Brazoria County, Texas, described in the warranty deeds recorded in the Official Records of Brazoria County, Texas as Documents # 2006049907, 2007009399 and 2007009398.

Jeff Pynes City Manager advised Council that two bids had been turned in by the same person. One bid was for \$38,758.00 and the second for \$61,789.01. The bidder is asking Council to accept his first bid of \$38,758.00 with a commitment that he will spent the difference on landscaping and beautification efforts on the waterfront and public areas. His plans is to build a traditional style home design, valuing \$300,000,00 and will commit to a solid completion date of October 2013.

On a motion by Councilwoman Barbree, seconded by Councilwoman Kent, with all present voting 3 to 2, Council approved the bid of \$38,758.00 for the purchase of 0.764 acres of land, more or less, out of the Stephen F. Austin Survey, Abstract 32 and Stephen F. Austin Survey, Abstract 33, both in Brazoria County, Texas, described in the warranty deeds recorded in the Official Records of Brazoria County, Texas as Documents # 2006049907, 2007009399 and 2007009398 with the commitment from the bidder that he will spend the difference in landscaping and beautification. Councilman Bolton and Councilwoman Mireles opposed.

Consideration of the approval of a request from Main Street to close the following streets; North ends of West Park and East Park, 2nd Street from Velasco Boulevard to Memorial Park and the North bound lane of Velasco Boulevard, from 2nd Street to Ave. B from 7:00 a.m. to 10:00 a.m. for the Flapjack 5K Run on Saturday, April 28th, 2012.

On a motion by Councilwoman Kent, seconded by Councilman Bolton, with all present voting "aye" Council unanimously approved a request from Main Street to close the following streets; North ends of West Park and East Park, 2nd Street from Velasco Boulevard to Memorial Park and the North bound lane of Velasco Boulevard, from 2nd Street to Ave. B from 7:00 a.m. to 10:00 a.m. for the Flapjack 5K Run on Saturday, April 28th, 2012.

Consideration of the approval of a request from the Brazoria County Hispanic Chamber of Commerce to close the intersecting streets on West 2nd Street to Cherry Street and East & West Park from 12:00 lunch to 1:00 p.m. for the Cinco De Mayo Parade on Saturday May 5th, 2012.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting "aye" Council unanimously approved a request from the Brazoria County Hispanic Chamber of Commerce to close the intersecting streets on West 2nd Street to Cherry Street and East & West Park from 12:00 lunch to 1:00 p.m. for the Cinco De Mayo Parade on Saturday May 5th, 2012.

Work Session

Update regarding Freeport Marina progress:

- Dry Stacks
- Concrete
- Forklift
- Premarketing of Dry Stack building

Jeff Pynes City Manager reported on the progress of the Freeport Marina, contracting with Golden Giant Engineers to do the structural and foundation engineering on the marina dry stack building. The plans will be sent to TxDot for review. The concrete pouring on the marina dry stacks project will be finalized in the next two weeks. It is essential to the operation of the marina dry stacks to purchase a forklift for the boats. Currently researching the finance options in purchasing a forklift, prices range from 350,000, to 408,000. Councilman Bolton asked for this information to be shared with the Economic Development Corporation.

Discuss concerning adding Section 130.05 to the Code of Ordinances of said City to prohibit the possession of a burning tobacco product and smoking within any public building owned by the City or elsewhere on the premises on which such building is located.

City Manager Jeff Pynes received complaints of people smoking outside the City Hall building. He asked for suggestions on setting a distance from the City Hall doors. Councilwoman Mireles suggested a smoking area be designated. Councilwoman Barbree reminded Council that we have a Marina and River Place facility. Mayor Garcia concurred with Mr. Pynes on complaints of employees and people smoking outside the City Hall and Freeport Police Department. Mayor Garcia requested more research on this item.

Mayor Norma Garcia closed the Work Session and opened the Executive Session at 6:30 p.m.

Executive Session:

Section 551.071, Government Code:

Consultation with City Attorney concerning pending or contemplated litigation, settlement offers or other matters in which his duty to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Government Code, to wit:

- Contractual negotiations concerning City owned real property.

Adjourn

Mayor Norma Garcia closed the Executive Session and reconvened the Formal Session to adjourn.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council adjourned at 6:56 p.m.

Mayor Norma Moreno Garcia
City of Freeport, Texas

City Secretary- Delia Munoz
City of Freeport, Texas